IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4252 OF 2006

Sachin Bhagwan Patil and anr. .. ..Applicants

Versus

The State of Maharashtra ..Respnodent

Mr.S.R.Chitnis i/b Mrs.V.R.Raje for applicants

Mr.P.A.Pol, APP for State

CORAM : S.C.DHARMADHIKARI, J.

DATE : 5TH DECEMBER, 2006

P.C.:

1. The applicants are arrested in connection with C.R.No.I-175 of 2006 alleging offences punishable under Sections 302, 498A and 34 of IPC. The C.R. is registered by Taloja Police Station. The complaint of one Balkrishna Atmaram Patil led to registration of FIR. He states that his daughter Sushma married Vishal Bhagwan Patil in the year 2004. The couple had a son from the said wedlock. The couple is residing in a joint family. Vishal was not

doing any work and he was addicted to liquor. It is alleged that the applicant no.1 brother in law and applicant no.2 father in law of the deceased along with Vishal were abusing the deceased after consuming liquor. They were suspecting her character. The husband Vishal made demands for money from time to time and the deceased so also her parents satisfied the same in cash and by giving articles. The applicants were residing along with the couple and continuously harassing her by suspecting her character.

2. The deceased expired on 26th October, 2006. The statement of father clearly alleges that the deceased was strangulated and killed by Vishal.

3. The learned APP objects to the applicants being enlarged on bail mainly on two grounds. Firstly he submits that investigations are in progress. The C.A. report is awaited and secondly the 2nd applicant has criminal antecedents. He points out that the incident has occurred because of the continuous harassment and ill-treatment by all family members.

4. Mr. Chitnis, learned senior counsel appearing for

applicants, on the other hand points out that the applicant no.2 has been enlarged on bail in other CRs (criminal cases) and there is no allegation that he has not complied with the terms and conditions of his release. He submits that as far as the present incident is concerned, the applicants have no played any role. The only allegation against them is they were ill-treating and harassing the deceased.

5. In my view, considering the limited role assigned to the applicants so also the applicant no.2 being enlarged on bail in the other cases, the learned Addl. Sessions Judge was in error in denying them bail. The investigations may go on but as far as the applicants are concerned once the role is limited then by imposing stringent conditions they can be enlarged on bail. Hence, the following order :

ORDER :

(i) The applicants (1) Sachin Bhagwan Patil and (2) Bhagwan Dattu Patil arrested in connection with C.R.No.I-175 of 2006 registered with Taloja

Police Station shall be enlarged on bail in the sum of Rs.15,000/= each with one or two local sureties in the like sum;

(ii) The applicants not to enter the limit of Taloja Police Station and they shall report to nearest police station once in a week till the chargesheet is filed and thereafter as per the directions of the trial court.

(iii) The applicants shall furnish their addresses to the Investigating Officer where they proposes to reside after bail and during pendency of the trial. The applicants shall not change their residence without prior intimation to the Investigation Agency;

(iv) The bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(v) The applicants shall cooperate with the

Trial Court for expeditious disposal of the trial. Any attempt by the applicants to delay the trial may be a ground for cancellation of bail;

(vi) Any observation/s made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vii) Application is disposed of in above terms.

(S.C.Dharmadhikari, J.)